Reading File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 14 2010

Mr. Justin Seastrand
USDA Forest Service
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301

Subject: Supplemental Draft Environmental Impact Statement for the Tehachapi Renewable Transmission Project, Kern, San Bernardino, and Los Angeles Counties, CA [CEQ# 20100150]

Dear Mr. Seastrand:

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the Tehachapi Renewable Transmission Project (Project). Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act (CAA).

EPA continues to support the Project purpose to provide adequate transmission capacity for renewable wind energy sources. We also support the Project objectives to minimize environmental effects by maximizing the use of existing transmission line right of way, and appropriate siting of infrastructure.

EPA provided comments on the Draft Environmental Impact Statement (DEIS) on April 6, 2009 and rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see attached "Summary of EPA Rating System"). Given the complex nature of this proposed 173 mile transmission line, and the variety of landscapes, land uses, and habitat areas that would be affected, we identified concerns with the proposed alternative due to aquatic and biological resource impacts from access roads, and recommended Alternative 6, the maximum helicopter construction on National Forest Service (NFS) Lands alternative. EPA also recommended project alignment modifications, and raised air quality, environmental justice, and weed management concerns.

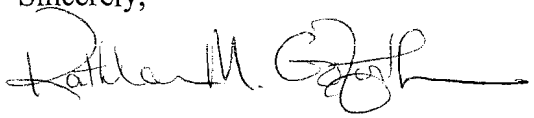
The Forest Service has prepared the subject SDEIS to assess the changed conditions created by the Station Fire, which burned approximately 251 square miles of National Forest System (NFS) lands in the Angeles National Forest (ANF) between August 26, 2009, and October 16, 2009. In addition, project changes affecting NFS lands, including new structure types, helicopter staging and support areas, wire setup site locations, alternate access roads, and changes in the project schedule are analyzed in the SDEIS.

In light of the recent Station Fire, we have concerns about the potential for increased

impacts to biological and aquatic resources resulting from increased erosion, sedimentation, habitat fragmentation, and the spread of invasive species. In addition, based on our review of the SDEIS, we have identified concerns pertaining to the alternatives analysis, the general conformity determination, and the impacts due to climate change. As a result, we are rating this SDEIS as EC-2, Environmental Concerns – Insufficient Information (see attached "Summary of EPA Rating System"). Our detailed comments are attached.

We appreciate the opportunity to review this SDEIS. We are available to further discuss all recommendations provided. When the Final EIS is released for public review, please send two hard copies and two CDs to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Tom Plenys, the lead reviewer for this Project. Tom can be reached at 415-972-3238 or plenys.thomas@epa.gov.

Sincerely,



Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosures: Summary of EPA Rating Definitions
Detailed Comments

Cc: Mr. John Boccio, California Public Utilities Commission

US EPA (EPA) DETAILED COMMENTS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS) FOR THE TEHACHAPI RENEWABLE TRANSMISSION PROJECT, KERN, SAN BERNARDINO, AND LOS ANGELES COUNTIES, CALIFORNIA, JUNE 14, 2010

EPA supports the Forest Service's decision to circulate an SDEIS due to the Station Fire, the largest fire in the recorded history of Los Angeles County, and the recently proposed project modifications, including new structure types, helicopter staging and support areas, and alternate access roads. EPA appreciates the qualitative discussions for each resource area affected by these changes. Since the SDEIS only includes changes to the original DEIS relative to the Station Fire and the proposed project changes, our comments are specific to the new information provided in the SDEIS on these topics. Unless specified otherwise, our April 6, 2009 DEIS comments still apply.

Alternatives Analysis

EPA recommends that the Final Environmental Impact Statement (FEIS) present the environmental impacts of all alternatives considered in light of the Station Fire and recent project changes in comparative form, sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public (40 CFR 1502.14). Such a rigorous comparison of the merits of each alternative would help achieve the purposes of NEPA in the FEIS.

As a result of the Station Fire, the environmental conditions along the Tehachapi Renewable Transmission Project Segments 6 and 11 have changed for Alternative 2 and Alternative 6 (at pg. 3-2). From our review of the SDEIS, it is apparent that sufficient survey information was not available to adequately assess impacts and compare alternatives. The SDEIS indicates that "field surveys will be conducted by the Forest Service and Southern California Edison (SCE) to reevaluate impacts to several special-status plant and wildlife species in the burned areas and to identify any special-status species or resources present in newly identified areas of Project disturbance" (at pg. 4.3-1). Heavy rain and snowfall, ice, and unsafe road conditions present in the Project area prevented these surveys during preparation of the SDEIS; however, the SDEIS indicates that these evaluations will be included in the FEIS. Such details are critical to compare and contrast alternatives, and to identify and commit to appropriate avoidance and mitigation measures.

Recommendations:

- The FEIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).
- The FEIS should present environmental impacts, including the potential for increased impacts due to the Station Fire, from all alternatives considered in comparative form, sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public (40 CFR 1502.14).

- In light of the recent Station Fire, the FEIS should revisit and fully justify the elimination of any alternatives that would result in fewer environmental impacts than the preferred alternative and should clearly explain why certain alternatives are not fully analyzed, including a description of the criteria used to eliminate potential alternatives from further study.
- The FEIS should fully describe measures to avoid increased runoff, erosion and sedimentation for all alternatives evaluated.

Biological Resources

EPA supports encouraging recovery of the forest ecosystem and fire-damaged watersheds as soon as possible. We recognize the need to reforest in order to stabilize the soil and prevent soil loss from debris flows and mudflows. We recognize that the SDEIS has included a variety of measures to reduce impacts to resources, such as the installation of gates or other barricades to prevent unauthorized vehicle access to roads and/or areas of temporary disturbance to minimize the spread of weeds in work areas and to minimize risk of damage to recovering native plants and plant communities (at pg. 4.3-7). Nevertheless, we remain concerned about the impacts to project area watersheds from the proposed Project. EPA recommends that the Forest Service minimize adverse impacts to already damaged watersheds. In particular, we urge careful consideration of the quantity and location of temporary roads and helicopter staging and support areas in order to minimize adverse effects on water quality and watersheds already at high risk of Cumulative Watershed Effects (CWE). We continue to recommend that the Forest Service avoid sensitive habitat areas for species such as the federally threatened red-legged frog and the federally endangered arroyo toad, minimize new road construction, and use all practical methods to minimize emissions during construction.

Roads, Helicopter Staging and Support Areas

EPA has concerns about potential water quality impacts, wildlife habitat fragmentation, and noxious weed proliferation caused by the newly proposed access roads and construction support areas as well as road construction that is proposed to replace roads that have been, or will be, washed out as a result of the Station Fire (at pgs. 3-12, 4.2-4 and 4.3-22). The FEIS should analyze the environmental effects of proposed road and staging area construction and incorporate additional mitigation measures.

Recommendations:

- We recommend roads and staging areas be carefully placed to minimize adverse effects on already unstable slopes and soils. The FEIS should state measures proposed to reduce adverse impacts and should provide an estimate of the impacts that are avoided by such measures.
- The FEIS should include the data and rationale underlying the need for proposed maintenance and road construction, as well as for the 9 additional staging areas for helicopter construction (at pg. 4.3-22).

- We recommend that the FEIS describe the condition of existing roads and the length and location of each road that has been eliminated as a result of the Station Fire.
- In order to mitigate the impacts of the proposed Project on watersheds, EPA recommends that existing roads and staging areas that are not essential to the proposed Project, other ongoing Forest Service activities, or access to private land holdings be decommissioned. The FEIS should identify all roads proposed for decommissioning, and include a quantification of miles of roads proposed for decommissioning.
- Avoid opening and using roads located in stream buffer zones.
- Restrict recreation in the recovery area if necessary to encourage habitat restoration.

We request that the Forest Service provide detailed information on closure of temporary roads and landings following the Station Fire.

Recommendation:

- The FEIS should provide a detailed Closure and Restoration Plan for any proposed roads and landings. This Plan should include specific information on the extent to which these roads and landings would be recontoured, replanted with appropriate vegetation, monitored, and closed to off-highway vehicle use.

Wet Weather and Seasonal Closures

The SDEIS does not describe winter or wet weather conditions or whether wet weather use of existing and unauthorized roads results in significant environmental impacts. In light of increased runoff, erosion, and sedimentation resulting from the Station Fire, the FEIS should evaluate the need for closure of roads (e.g. due to erosion potential) and discuss the impacts of using construction and maintenance roads during wet weather in burned areas. The FEIS should provide information on winter and wet weather conditions and, if present, any significant environmental impacts caused by wet weather road and trail use as a result of the Station Fire. We recommend implementing seasonal closures and restrictions on construction, if wet weather use results in significant environmental impacts.

Recommendations:

- EPA recommends use of seasonal closures as a means to avoid and minimize adverse resource effects of roads, trails, and motorized use. The FEIS should provide information on any significant environmental impacts caused by wet weather road and trail use.
- The FEIS should state the criteria and scientific data used to evaluate the need for wet weather closures. We recommend seasonal closures, where necessary, to protect sensitive resources (e.g., aquatic systems, drinking water sources, threatened and endangered species) and private property, or to minimize user conflicts.
- The FEIS should identify specific enforcement measures proposed by the Forest Service to ensure compliance with the seasonal closures.

Invasive Plant Species and Noxious Weeds

The SDEIS states that "it is expected that nonnative and invasive plant populations will recover quickly in the wake of the fire, and will likely invade additional areas as well" (at pg. 4.3-2). In our April 6, 2009 DEIS comments, EPA supported Mitigation Measure B-3a *Prepare and Implement a Weed Control Plan* and Mitigation Measure B-3b *Remove weed seed sources from construction access routes;* but we suggested the control of noxious weeds and weed seed sources in all areas within the transmission line right of way (ROW), including areas previously disturbed by the existing transmission line structures. We continue to support those mitigation measures, and recommend that the FEIS also ensure that those measures are expanded to encompass areas of maintenance or reconstruction resulting from the Station Fire. All noxious weed sources should be controlled to prevent infestations in disturbed areas. We recommend consulting the California Native Plant Society and California Invasive Plant Council for an inventory of noxious weeds in California.

Recommendations:

- Mitigation Measures B-3a and b should be revised in the FEIS to include ongoing control of noxious weeds and pre-construction noxious weed seed control throughout areas of maintenance or reconstruction resulting from the Station Fire.
- The Forest Service should indicate precisely what treatment methods would be used if noxious weeds were found, and any potential impacts of those treatments.

Habitat Fragmentation

While we recognize the qualitative discussion of wildlife and habitat impacts due to the Station Fire, the FEIS should further describe existing wildlife corridors, habitat integrity, and potential effects on wildlife movement and habitat fragmentation in the context of new, existing, or reconstructed roads. Roads are known to lead to habitat fragmentation and the disruption of migratory corridors, resulting in significant adverse wildlife effects.

Recommendation:

- The FEIS should include a discussion and analysis of wildlife corridors and the effect of the new and reconstructed roads on habitat connectivity, habitat integrity, and migration corridors. Utilize these considerations to improve wildlife movement and reduce habitat fragmentation in the Station Fire area.

Aquatic Resources

Clean Water Act (CWA) Section 303(d)

Section 303(d) of the CWA requires each State to develop, every two years, a list of impaired waters that do not meet water quality standards; to establish priority rankings of such waters; and to develop Total Maximum Daily Loads (TMDLs) for the pollutants causing impairment. The FEIS should discuss the latest listing of impaired water bodies under Section 303(d) of the CWA in the Angeles National Forest. Due to the Station Fire, EPA is concerned that increased degradation of water quality, modification of flow, and sedimentation will worsen existing impairments in these waterbodies and may adversely affect beneficial uses throughout the watershed.

Recommendations:

- Identify any waters that would be affected by the proposed Project that have been designated, or proposed for designation, as impaired, pursuant to Section 303 of the CWA.
- Adopt measures, to be included in the Record of Decision (ROD), to avoid and minimize discharges into onsite waters, alteration of flow, and sedimentation to prevent further impairment of water quality downstream.

Air Quality Resources

General Conformity

The Proposed Project will be constructed in the Antelope Valley Air Quality Management District (AVAQMD) portion of the Mojave Desert Air Basin (MDAB) and the South Coast Air Basin (SCAB) (at pg. 4.2-2). EPA recently finalized the California Air Resources Board's (CARB) request for reclassification of the SCAB as an "extreme" nonattainment area for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) effective on June 4, 2010 (May 5, 2010, 75 FR 24409). Additionally, the state requested in February 2008 that EPA reclassify the MDAB as a "severe" nonattainment area for the 1997 8-hour ozone NAAQS.

The FEIS should ensure that the emissions from both the construction and the operational phases of the proposed Project conform to the approved State Implementation Plans (SIPs) and do not cause or contribute to violations of the NAAQS. Additionally, the FEIS should base the air quality analysis and evaluation of alternatives on the recently adopted and proposed more stringent reclassifications of non-attainment areas when determining impact of emissions.

EPA recently received the June 4, 2010 Final General Conformity Determination for the Tehachapi Renewable Transmission Project. In our April 6, 2009 comment letter on the DEIS, we requested the Forest Service consult with EPA before finalizing the general conformity determination for the Project. Although we appreciate that consultation was begun, the consultation process was not, from EPA's perspective, finalized and certain issues remain unresolved. We recommend that the Record of Decision include a

Conformity Determination that is based on the latest thresholds of significance resulting from any changes in nonattainment classification status.

Recommendations:

- The responsible agency should ensure that emissions from both the construction and operational phases are included in both the Mojave Desert Air Basin SIP and the South Coast Air Basin SIP. This should be discussed within the FEIS. For both Basins, the responsible agency should determine the impact of emissions based on the recently proposed and adopted reclassifications for the SCAB and the MDAB. At the time the ROD is signed, the conformity determination should be synchronized to ensure the latest thresholds are being used as the basis for the determination.
- The SCAB discussion in the FEIS should use 10 tons per year as the significance threshold, instead of 25 tons per year. The MDAB discussion should use 25 tons per year instead of 50 tons per year. We believe this is appropriate regardless of the timing of EPA granting this request, since it reflects the level of emissions of air pollutants that the state and local air agencies believe is significant, pursuant to their request to reclassify these areas.

Climate Change

Current research indicates that climate change could impact the amount, timing, and intensity of rain and storm events; increase the length and severity of the fire season; modify the rate and distribution of harmful timber insects and diseases; and aggravate already stressed water supplies. A significant change in the weather patterns could have important implications for how we manage our forests. A number of studies specific to California have indicated the potential for significant environmental impacts as a result of changing temperatures and subsequent environmental impacts.[1] The California Climate Action Team recently released a report[2] on the impacts of climate change to California, the latest research, and State efforts to adapt to impacts. The report indicates that estimates of the long-term risk of large wildfires in California are substantial, with increases in occurrences statewide ranging from 58% to 128% in 2085.

The FEIS should incorporate a discussion of climate change in light of the increased susceptibility to erosion and sedimentation that has resulted from the recent Station Fire. Recent Forest Service documents including the "Strategic Framework for Responding to Climate Change," as well as Chief Tidwell's November 20, 2009 memo to Forest Service staff calling for Regions, Stations, and Area climate action plans, indicates the Forest Service's commitment to mitigating the effects of climate change, and planning projects to adapt to these effects. The FEIS should include a section that describes how the proposed Project may be affected by climate change, as well as how long-term climate effects, including temperature increases or prolonged droughts, may affect reforestation efforts.

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[1] Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006.

[2] Draft 2009 Climate Action Team Biennial Report to the Governor and Legislature. See internet address: http://www.climatechange.ca.gov/publications/cat/index.html.

Recommendation:

- We recommend the FEIS include a detailed description of climate change and its implications for the proposed action, incorporating a discussion of the implications of the recent Station Fire. The FEIS should describe a strategy for successful restoration that accounts for increased erosion and sedimentation from the Station Fire. For example, describe and evaluate projected climate change consequences such as increased frequency of high intensity storms, amplified rain events, and greater severity and frequency of insect outbreaks, droughts, and fire seasons, and their potential effects on the success of restoration and reforestation efforts.

Monitoring and Enforcement

EPA is concerned with the Forest Service's ability to quickly implement mitigation measures and the potential for continued un-authorized motorized use of roads and trails in the area of the Station Fire. As the SDEIS indicates, as a result of the fire, the areas open to recreation may be affected more by unauthorized off-highway vehicle (OHV) use then previously described in the DEIS (at pg. 3-1 and pg. 4.3-6).

Recommendation:

- We recommend the FEIS include a list of mitigation measures required for implementation prior to opening each specific route to public motorized use. The FEIS should state whether a Motor Vehicle Use Map (MVUM) would include the designated routes that are not yet available for use due to required mitigation measures. If these routes will be included on the MVUM, describe how use would be restricted until identified mitigation measures are implemented. If these routes are not included on the MVUM, described how and when the Forest would open and designate these routes for use. We recommend that routes not yet open due to pending mitigation measures be excluded from the MVUM in order to reduce the unintentional un-authorized use of these routes.

Endangered Species and Other Species of Concern

The SDEIS indicates that, due to the fire, the sedimentation rate will drastically increase in the next several years, and vegetation communities may experience type conversion, which could render some habitats unsuitable for species that were using them prior to the fire (at pg. 4.3-3). Further, a population of California red-legged frogs was discovered in Aliso Canyon approximately 0.8 miles downstream from Segment 11 in September 2009 (at pg. 4.3-3). In light of these developments, we recommend that proposed designs for the Project should avoid and minimize impacts to all federally threatened and endangered species, as well as State species of concern. We do recognize the enhancements incorporated into Mitigation Measure B-9 to minimize impacts to arroyo toads (at pg. 4.3-16). We also support the decision to not use the access road crossing of the drainage occupied by the California red-legged frogs as well as the construction of temporary

breeding pools (at pg. 4.3-25). In addition, any mitigation measures that result from consultation with the US Fish and Wildlife Service to protect sensitive biological resources should be included in the FEIS and, ultimately, the ROD. The FEIS should also clearly articulate under which alternatives sensitive biological resources, including the federally threatened red-legged frog and the federally endangered arroyo toad, would be least impacted and to what extent impacts can be mitigated.

Recommendations:

- EPA recommends the Forest Service include in the FEIS the outcome of any further discussions with, and future determinations or biological analyses by, the U.S. Fish and Wildlife Service pertaining to the federally threatened red-legged frog and the federally endangered arroyo toad. Additionally, the FEIS should provide analysis of impacts on, and mitigation for, covered species, including:
    - Baseline conditions of habitats and populations of the covered species;
    - A clear description of how avoidance, mitigation, and conservation measures will protect and encourage the recovery of the covered species and their habitats in the project area;
    - Monitoring, reporting, and adaptive management efforts to ensure species and habitat conservation effectiveness.
- The FEIS should also clearly articulate under which alternatives sensitive biological resources, including the federally threatened red-legged frog and the federally endangered arroyo toad would be least impacted and to what extent impacts can be mitigated.
- A clear commitment to implement mitigation measures to avoid and minimize adverse effects to the habitat of the red-legged frog and the arroyo toad and other sensitive species should be made in the FEIS and, ultimately, the ROD.